

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

ORIGINAL APPLICATION NO.1147 OF 2024

**DISTRICT : SATARA
SUB : Suspension**

Shri. Jivraj Pandurang Dhole,)
Age -51 years,)
Working as Forester, (under suspension))
Residing at C/O Shri. Nitin Jayprakash)
Chaphekar Kesarkar Peth, S No. 100, D-6,)
Fort View Residency, Satara 415 002.)

V/s

1) State of Maharashtra, Through Principal -)
Secretary, Revenue and Forest Department,)
Mantralaya, Mumbai-400 032.)

2) Chief Conservator of Forest (Regional))
Kolhapur, Vanvardhan Building,)
1st Floor, Opposite to Main Post Office,)
Tarabai Park, Kolhapur-416003.)

3) Deputy Conservator of Forest, Satara)
Vanbhavan, Godoli, Satara,)
PIN-415 001.)

Shri K. R. Jagdale, learned Advocate for the Applicant.

Shri A. J. Chougule, learned Presenting Officer for the Respondents.

CORAM : Hon'ble Shri M. A. Lovekar, Hon'ble Vice-Chairman

Reserved on : 25.07.2025

Pronounced on : 28.07.2025.

JUDGEMENT

Heard Shri K. R. Jagdale, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. By the impugned order dated 09.08.2024 Respondent No.2 placed the Applicant under suspension by *inter-alia* observing thus -

“उपरोक्त संदर्भ क्र.१ चे आदेशान्वये, श्री. जिवराज पांडूरंग ढोले, वनपाल लोणंद वन विभाग, सातारा यांची बदलीने पदस्थापना वनसंरक्षक तथा क्षेत्र संचालक, सहयाद्री व्याघ्र राखीव, कोल्हापूर यांचेकडे वर्ग करणेत आलेली आहे. श्री.जिवराज पांडूरंग ढोले यांचे बदलीने रिक्त झालेल्या पदी श्री. सोमनाथ शिवाजी क्षिरसागर, वनपाल यांची पदस्थापना करणेत आलेली आहे. त्यानुसार, श्री.जि.पां. ढोले, वनपाल लोणंद यांना सातारा वन विभागातून दि.२६.०५.२०२३ रोजी कार्यमुक्त करणेत आलेले आहे. तथापि, श्री. जिवराज पांडूरंग ढोले, वनपाल लोणंद यांनी वनपाल (प्रा.) लोणंद या पदाचा कार्यभार श्री. सोमनाथ शिवाजी क्षिरसागर, वनपाल यांचेकडे हस्तांतरीत केलेला नाही.”

3. Thereafter, the Applicant was served with a charge-sheet dated 21.10.2024 by which the following charge is laid -

“**दोषारोप क्रमांक :-** १. शासकिय नियम व आदेश याकडे अक्षम्य दुर्लक्ष करुन वरिष्ठाचे आदेशाचे पालन न करणे, शासकिय कामात बेजबाबदारपणा करुन कार्यभार हस्तांतरण न करता विनापरवाना मुख्यलयात गैरहजर राहणे, शासकिय कामकाज प्रलंबित ठेवणे.”

4. Principal contention of the Applicant is that after filing of charge-sheet matter of his suspension should have been reviewed within the stipulated period of 90 days and failure to do so shall result in rendering his suspension beyond 90 days unsustainable.

5. In their reply the Respondents have elaborately set out the background under which the impugned order came to be passed.

6. It is a matter of record that within 90 days from the date on which the impugned order of suspension was issued, Departmental Inquiry was initiated against the Applicant by issuing charge-sheet dated 21-10-2024.

7. G.A.D., Government of Maharashtra has issued a G.R. dated 22.04.2025 which is a compilation of guidelines to be adhered to in matters of suspension.

Relevant part of Clause 2(1) of G.R. dated 22.04.2025 states -

“२(१) निलंबन कालावधी वाढविण्यासंदर्भातील सूचना -

i. फौजदारी प्रकरणातील निलंबनास मुदतवाढ द्यावी किंवा कसे याबाबतचा निर्णय घेण्यापूर्वी सक्षम प्राधिकाऱ्याला या प्रयोजनार्थ गठित करण्यात आलेल्या निलंबन आढावा समितीची शिफारस प्राप्त करून घेणे आवश्यक राहिल.

ii. अशावेळी निलंबित कर्मचाऱ्याविरुद्ध निलंबनाच्या दिनांकापासून तीन महिन्यांच्या कालावधीत शिस्तभंगविषयक कार्यवाही अथवा न्यायिक कार्यवाही सुरु केली असेल तर तीन महिन्यांच्या पुढील कालावधीत निलंबन चालू ठेवावे किंवा कसे याबाबतची शिफारस प्राप्त करून घेण्यासाठी निलंबन आढावा समितीसमोर प्रस्ताव सादर करावा.”

Such steps to review suspension of the Applicant do not appear to have been taken in the instant case. As a consequence, suspension of the Applicant beyond 90 days cannot be sustained. It may be observed that aforequoted clause 2 is based on the judgment of the Hon'ble Supreme Court in ***Ajay Kumar Choudhary V/s Union of India, (2015) 7 SCC 29***, wherein it is held :

We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/ Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension.”

In this case the latter contingency has arisen i.e. Memorandum of Charges is served on the Applicant within 90 days from the date of order of suspension but thereafter no review was taken for considering whether or not suspension was to be extended.

8. For the reasons discussed so far the Original Application is allowed in the following terms. Period of suspension of the Applicant beyond 90 days shall be treated as duty period for all purposes and he is held entitled to get all consequential benefits which shall be paid within 30 days from today. Consequential order of reinstatement of the Applicant shall be passed within 10 days from today. No order as to costs.

Sd/-
(M. A. Lovekar)
Vice-Chairman

Place: Mumbai

Date: 28.07.2025

Dictation taken by: V. S. Mane

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